

# TEXAS TRANSPORTATION COMMISSION

Various Counties

## MINUTE ORDER

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Various Districts

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land. Exhibit A lists donations resulting from a contract executed by the department under Transportation Code, §223.049 and other donations accepted under Transportation Code, §201.206.

The executive director has determined that the donations identified in the attached Exhibit A complies with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified in the attached Exhibit A.

Submitted and reviewed by:

Recommended by:

DocuSigned by:  
  
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Director, Contract Services Division

DocuSigned by:  
  
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Executive Director

116160 November 20, 2021

Minute	Date
Number	Passed

**EXHIBIT A  
DONATIONS  
November 18, 2021**

<b>NO.</b>	<b>DONOR</b>	<b>D/D/O</b>	<b>COUNTY</b>	<b>DESCRIPTION</b>	<b>DOLLAR AMOUNT</b>	<b>DATE APPROVED</b>
1.	288 Associates, LP	Houston District	Brazoria	The donor is donating design and construction of a right turn lane from westbound SH 288 into the donor's development in Manvel, Brazoria County, Texas. All design and construction will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$250,000.00.	\$250,000.00	10/08/2021
2.	David H. McNabb	Traffic Safety Division	Hunt and Rains	The donor is donating a fixed sum of \$5,727.00 to design, fabricate, and install two memorial highway designation signs on the portion of SH 256 along the bridge over Lake Tawakoni, designated as the Staff Sergeant Shawn Henry McNabb Memorial Bridge within Hunt County and Rains County, Texas. The design, fabrication, and installation of the signs will be provided by the State.	\$5,727.00	10/13/2021
3.	Henderson County Peace Officers Association, Inc.	Traffic Safety Division	Kaufman	The donor is donating a fixed sum of \$5,727.00 to design, fabricate, and install two memorial highway designation signs on the portion of SH 198 between the Kaufman County line and SH 31, designated as the Deputy Sheriff Tony Ogburn and Deputy Sheriff Paul Habelt Memorial Highway within Henderson County, Texas. The design, fabrication, and installation of the signs will be provided by the State.	\$5,727.00	10/12/2021
4.	Kim's Convenience Store #45, LLC	Tyler District	Anderson	The donor is donating design and construction of a right turn lane into a convenience store along US 287 in Palestine, Anderson County, Texas. All design and construction will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$160,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$160,000.00	10/12/2021